

# **City of Hercules**

*111 Civic Drive  
Hercules, CA 94547*



## **Meeting Agenda**

**Tuesday, October 10, 2017**

**Closed Session - 6:00 p.m.  
Regular Session - 7:00 p.m.**

**Council Chambers**

### **City Council**

*Mayor Myrna de Vera  
Vice Mayor Chris Kelley  
Council Member Dan Romero  
Council Member Gerard Boulanger  
Council Member Roland Esquivias*

*David Biggs, City Manager  
Patrick Tang, City Attorney  
Lori Martin, City Clerk*

*Cablecast live on Comcast Channel 28, AT&T Channel 99 and webcast live via the City's website at  
[www.ci.hercules.ca.us](http://www.ci.hercules.ca.us)*

**I. CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL**

**II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**

**III. CONVENE INTO CLOSED SESSION**

The Hercules City Council will meet in Closed Session regarding the following:

1. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney

**IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL**

**V. REPORT ON ACTION TAKEN IN CLOSED SESSION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. MOMENT OF SILENCE**

**VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

**IX. AGENDA ADDITIONS/DELETIONS**

**X. PUBLIC COMMUNICATIONS**

This time is reserved for members of the public to address issues not included in the agenda. In accordance with the Brown Act, Council will refer to staff any matters brought before them at this time, and those matters may be placed on a future agenda.

Individuals wishing to address the City Council are asked to complete a form indicating the name and address of the speaker and the general topic to be addressed. Speakers must make their comments from the podium and will be allowed 3 minutes to discuss their concerns. All public comments are recorded and become part of the public record. A limit of 30 minutes will be devoted to taking public comment at this point in the agenda. If any speakers remain at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to take the remaining comments.

**XI. PUBLIC HEARINGS**

1. Proposed Ordinance to Regulate Local Marijuana Activities  
**RECOMMENDATION:** Conduct a Public Hearing, Waive the First Reading, and Introduce an Ordinance Amending Title 4, Chapter 18 of the Hercules Municipal Code to Enact Additional Local Restrictions on the Use, Sale, Cultivation, and Delivery of Marijuana within City Limits

**Attachments:**     [Draft Staff Report AUMA \(recreational marijuana\) - 171010](#)  
                              [Attachment 1 - Marijuana Restrictions draft ordinance 171010](#)  
                              [Attachment 2 - 080817-091217 Staff Reports and 092617 Staff Report with attachments](#)

## **XII. CONSENT CALENDAR**

1.     **Approve Special Meeting Minutes of September 26, 2017**  
      **Recommendation:** Adopt Minutes  
  
      **Attachments:**     [Meeting Minutes - 092617 - Special](#)
  
2.     **Approve Regular Meeting Minutes of September 26, 2017**  
      **Recommendation:** Adopt Minutes  
  
      **Attachments:**     [Meeting Minutes 092617 - Regular](#)
  
3.     **Second Reading of Ordinance 503 Adopting Zoning Designation Amendment #RZ 17-01 and Zoning Text Amendment #ZTA 17-01 related to the Safeway Center Project**  
      **Recommendation:** Adopt Ordinance.  
  
      **Attachments:**     [Staff Report - 2nd Reading of Ord 503 - Safeway Center Project](#)  
                              [Ordinance 503 - Safeway Zoning Ordinance](#)
  
4.     **Budget Amendment to Incorporate SB1 "The Road Repair and Accountability Act" Funding for the 2017 Annual Street Maintenance Project**  
      **Recommendation:** Adopt a resolution amending the adopted Fiscal Year 2017-18 Budget to incorporate SB 1 funding for the 2017 Annual Street Maintenance project and expanding the description of said projects in the budget to meet the requirements of the Act.  
  
      **Attachments:**     [Staff Report - SB1](#)  
                              [Attach 1 - Resolution - SB1](#)  
                              [Attach 2 - 2017 Pavement Maintenance Project - Location Map](#)
  
5.     **Amendment to the Children's Program Leader I/II Job Description**  
      **Recommendation:** Approve minor amendments to the Children's Program Leader I/II job description.  
  
      **Attachments:**     [Staff Report - Childcare Job Description Amendment - 171010](#)  
                              [Attachment 1 - Amendment to Children's Program Leader I-II Job Description 171010](#)

**XIII. DISCUSSION AND/OR ACTION ITEMS**

1. **Maintenance and Reimbursement Agreement between the City, BART and WestCat for the Hercules Transit Center**  
**Recommendation:** Adopt a Resolution approving a Maintenance and Reimbursement Agreement between the City, BART, and WestCat for the Hercules Transit Center.  
**Attachments:** [Staff Report - BART Agreement 10102017 alt version](#)  
[Attach 1 BART Maint Reimbursement](#)  
[Attachment 2 - Resolution](#)
2. **Update on Code Compliance**  
**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.  
**Attachments:** [Staff Report - Code Compliance Update 10102017](#)  
[Attach 1 - Hercules Code Compliance Initiative Updated 10022017](#)
3. **Cable Televisions Options**  
**Recommendation:** Receive report, discuss options, and provide direction if appropriate.  
**Attachments:** [Staff Report - Cable Options](#)  
[Attach 1 - Current Contract](#)  
[Attach 2 - Proposed Contract - FY 2017-18](#)
4. **Long Term Financial Projection for the General Fund**  
**Recommendation:** Review and discuss the long term financial projection of the general fund.  
**Attachments:** [Staff Report - Long Term Financial Projection - General Fund](#)  
[Attach 1 - General Fund LT Projection from FY2018-19 to FY2022-2023](#)  
[Attach 2 - Assumptions Used for Long-Term Projection](#)

**XIV. PUBLIC COMMUNICATIONS**

This time is reserved for members of the public who were unavailable to attend the Public Communications period during Section X of the meeting, or were unable to speak due to lack of time. The public speaker requirements specified in Section X of this Agenda apply to this Section.

**XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS**

This is the time for brief announcements on issues of interest to the community. In accordance with the provisions of the Brown Act, matters which do not appear on this agenda but require City Council discussion may be either (a) referred to staff or other resources for factual information or (b) placed on a future meeting agenda.

**XVI. ADJOURNMENT**

The next Regular Meeting of the City Council will be held on Tuesday, October 24, 2017 at 7:00p.m. in the Council Chambers.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [www.ci.hercules.ca.us](http://www.ci.hercules.ca.us) and can receive e-mail notification of agenda and staff report postings by signing up to receive an enotice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215

(Posted: October 5, 2017)

**THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES, PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS**

1. SPECIAL ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you require special accommodations to participate at a City Council meeting, please contact the City Clerk at 510-799-8215 at least 48 hours prior to the meeting.

2. AGENDA ITEMS: Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the meeting. The City retains the discretion whether to add items to the agenda. Persons wishing to address the City Council otherwise may make comments during the Public Communication period of the meeting.

3. AGENDA POSTING: Agendas of regular City Council meetings are posted at least 72 hours prior to the meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, Hercules Post Office, and on the City's website ([www.ci.hercules.ca.us](http://www.ci.hercules.ca.us)),

4. PUBLIC COMMUNICATION: Persons who wish to address the City Council should complete the speaker form prior to the Council's consideration of the item on the agenda.

Anyone who wishes to address the Council on a topic that is not on the agenda and is relevant to the Council should complete the speaker form prior to the start of the meeting. Speakers will be called upon during the Public Communication portion of the meeting. In accordance with the Brown Act, the City Council may not take action on items not listed on the agenda. The Council may refer to staff any matters brought before them at this time and those matters may be placed on a future agenda.

In the interests of conducting an orderly and efficient meeting, speakers will be limited to three (3) minutes. Anyone may also submit written comments at any time before or during the meeting.

5. CONSENT CALENDAR: All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or a member of the public prior to the time the City Council votes on the motion to adopt.

6. LEGAL CHALLENGES: If you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered at, or prior to, the meeting. Actions challenging City Council decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.